

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "Tacked Coiled Food Products and Methods of Fabricating," the Specification of which was filed on February 11, 2000 as United States Application Number 09/502,140.

I hereby state that I have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any Amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the Application on which priority is claimed:

Prior Foreign Application(s)

			<u>Priority Claimed</u>	
<u>NONE</u>			<u>Yes</u>	<u>No</u>
Number	Country	Day/Month/Year Filed		

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

<u>60/158,456</u>	<u>October 8, 1999</u>
Application Number	Filing Date

[illegible]

NONE		
Application Number	Filing Date	Status
NONE		
Application Number	Filing Date	Status

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	

Robert E. Wagner	- 20,528	Monique A. Morneault	- 37,893
Steven J. Goldstein	- 28,079	Jeffrey R. Gargano	- 38,148
Daniel N. Christus	- 29,626	Paul J. Nykaza	- 38,984
Alan L. Barry	- 30,819	Edward L. Bishop	- 39,110
Linda A. Kuczma	- 30,861	James P. Muraff	- 39,785
Roger H. Stein	- 31,882	Nelson Nolte	- 42,938
Thomas K. Stine	- 32,310	Marc D. Machttinger	- 43,434
James J. Jagoda	- 33,250	Matthew J. Gryzlo	- 43,648
Michael D. Lake	- 33,727	Peter M. Klobuchar	- 43,722
Joseph A. Fuchs	- 34,604	Brent A. Hawkins	- 44,146
Robert W. Diehl	- 35,118	William J. Lenz	- 44,208
Bradley F. Rademaker	- 35,331	Michael K. Nutter	- 44,979
Richard C. Himelhoch	- 35,544	Joseph M. Kinsella, Jr.	- P45,743

Steven J. Goldstein, Esq.  
Frost & Jacobs LLP  
2500 PNC Center  
201 East Fifth Street  
Cincinnati, Ohio 45202-4182  
Phone: 513.651.6800  
Fax: 513.651.6981

I hereby declare all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

Full Name of Sole or First Inventor: David E. Babiarz  
Residential Street Address: 1035 Glencrest  
City and State/Province: Inverness FL  
Country and Zip/Postal Code: USA 60010  
Citizenship: USA  
Mailing Address: Same  
Inventor's Signature: David E. Babiarz  
Date: March 1, 2000

Full Name of Second Joint Inventor: Ronald T. Cappadocia  
Residential Street Address: \_\_\_\_\_  
City and State/Province: \_\_\_\_\_  
Country and Zip/Postal Code: \_\_\_\_\_  
Citizenship: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Inventor's Signature: Separate Declaration  
Date: \_\_\_\_\_

Full Name of Third Joint Inventor: William E. Lundgren, Jr.  
Residential Street Address: \_\_\_\_\_  
City and State/Province: \_\_\_\_\_  
Country and Zip/Postal Code: \_\_\_\_\_  
Citizenship: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Inventor's Signature: Separate Declaration  
Date: \_\_\_\_\_

/92182.1

I hereby claim the benefit under 35 U.S.C. § 120 of any United States Application(s), or § 365(c) of any PCT International Application designating the United States, listed below and, insofar as the subject matter of each of the Claims of this Application is not disclosed in the prior United States or PCT International Application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior Application and the national or PCT international filing date of this Application:

NONE		
Application Number	Filing Date	Status
NONE		
Application Number	Filing Date	Status

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this Application and transact all business in the Patent and Trademark Office connected therewith.

Robert E. Wagner	- 20,528	Monique A. Morneau	- 37,893
Steven J. Goldstein	- 28,079	Jeffrey R. Gargano	- 38,148
Daniel N. Christus	- 29,626	Paul J. Nykaza	- 38,984
Alan L. Barry	- 30,819	Edward L. Bishop	- 39,110
Linda A. Kuczma	- 30,861	James P. Muraff	- 39,785
Roger H. Stein	- 31,882	Nelson Nolte	- 42,938
Thomas K. Stine	- 32,310	Marc D. Machtinger	- 43,434
James J. Jagoda	- 33,250	Matthew J. Gryzlo	- 43,648
Micheal D. Lake	- 33,727	Peter M. Klobuchar	- 43,722
Joseph A. Fuchs	- 34,604	Brent A. Hawkins	- 44,146
Robert W. Diehl	- 35,118	William J. Lenz	- 44,208
Bradley F. Rademaker	- 35,331	Michael K. Nutter	- 44,979
Richard C. Himelhoch	- 35,544	Joseph M. Kinsella, Jr.	- P45,743

Send correspondence and direct telephone calls to:

Steven J. Goldstein, Esq.  
 Frost & Jacobs LLP  
 2500 PNC Center  
 201 East Fifth Street  
 Cincinnati, Ohio 45202-4182  
 Phone: 513.651.6800  
 Fax: 513.651.6981

I hereby declare all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

Full Name of Sole or First Inventor: David E. Babiarz  
Residential Street Address: \_\_\_\_\_  
City and State/Province: \_\_\_\_\_  
Country and Zip/Postal Code: \_\_\_\_\_  
Citizenship: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Inventor's Signature: \_\_\_\_\_ Separate Declaration  
Date: \_\_\_\_\_

Full Name of Second Joint Inventor: Ronald T. Cappadocia  
Residential Street Address: 2008 Forest Creek Lane  
City and State/Province: Indersville TN 37068  
Country and Zip/Postal Code: U.S.A. 60048  
Citizenship: US  
Mailing Address: \_\_\_\_\_  
Inventor's Signature: Ronald T. Cappadocia  
Date: 3/1/2002

Full Name of Third Joint Inventor: William E. Lundgren, Jr.  
Residential Street Address: \_\_\_\_\_  
City and State/Province: \_\_\_\_\_  
Country and Zip/Postal Code: \_\_\_\_\_  
Citizenship: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Inventor's Signature: \_\_\_\_\_ Separate Declaration  
Date: \_\_\_\_\_

/92185.1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "Tacked Coiled Food Products and Methods of Fabricating," the Specification of which was filed on February 11, 2000 as United States Application Number 09/502,140.

I hereby state that I have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any Amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the Application on which priority is claimed:

Prior Foreign Application(s)

			<u>Priority Claimed</u>	
<u>NONE</u>			<u>Yes</u>	<u>No</u>
Number	Country	Day/Month/Year Filed		

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

60/158,456  
Application Number

October 8, 1999  
Filing Date

I hereby declare all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

Full Name of Sole or First Inventor: David E. Babiarz  
Residential Street Address: \_\_\_\_\_  
City and State/Province: \_\_\_\_\_  
Country and Zip/Postal Code: \_\_\_\_\_  
Citizenship: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Inventor's Signature: \_\_\_\_\_ Separate Declaration  
Date: \_\_\_\_\_

Full Name of Second Joint Inventor: Ronald T. Cappadocia  
Residential Street Address: \_\_\_\_\_  
City and State/Province: \_\_\_\_\_  
Country and Zip/Postal Code: \_\_\_\_\_  
Citizenship: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Inventor's Signature: \_\_\_\_\_ Separate Declaration  
Date: \_\_\_\_\_

Full Name of Third Joint Inventor: William E. Lundgren, Jr.  
Residential Street Address: 2165 University Dr.  
City and State/Province: Naperville, IL  
Country and Zip/Postal Code: USA 60565  
Citizenship: U.S.  
Mailing Address: 2165 University Dr., Naperville, IL 60565  
Inventor's Signature: William E. Lundgren  
Date: 2-29-00

I hereby claim the benefit under 35 U.S.C. § 120 of any United States Application(s), or § 365(c) of any PCT International Application designating the United States, listed below and, insofar as the subject matter of each of the Claims of this Application is not disclosed in the prior United States or PCT International Application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior Application and the national or PCT international filing date of this Application:

NONE		
Application Number	Filing Date	Status
NONE		
Application Number	Filing Date	Status

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this Application and transact all business in the Patent and Trademark Office connected therewith.

Robert E. Wagner	- 20,528	Monique A. Morneau	- 37,893
Steven J. Goldstein	- 28,079	Jeffrey R. Gargano	- 38,148
Daniel N. Christus	- 29,626	Paul J. Nykaza	- 38,984
Alan L. Barry	- 30,819	Edward L. Bishop	- 39,110
Linda A. Kuczma	- 30,861	James P. Muraff	- 39,785
Roger H. Stein	- 31,882	Nelson Nolte	- 42,938
Thomas K. Stine	- 32,310	Marc D. Machtinger	- 43,434
James J. Jagoda	- 33,250	Matthew J. Gryzlo	- 43,648
Micheal D. Lake	- 33,727	Peter M. Klobuchar	- 43,722
Joseph A. Fuchs	- 34,604	Brent A. Hawkins	- 44,146
Robert W. Diehl	- 35,118	William J. Lenz	- 44,208
Bradley F. Rademaker	- 35,331	Michael K. Nutter	- 44,979
Richard C. Himelhoch	- 35,544	Joseph M. Kinsella, Jr.	- P45,743

Send correspondence and direct telephone calls to.

Steven J. Goldstein, Esq.  
 Frost & Jacobs LLP  
 2500 PNC Center  
 201 East Fifth Street  
 Cincinnati, Ohio 45202-4182  
 Phone: 513.651.6800  
 Fax: 513.651.6981



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: David E. Babiarz; Ronald T. Cappadocia and William E. Lundgren  
Serial No.: 09/502,140  
File Date: February 11, 2000  
Assignee: Van Melle USA Inc.  
For: TACKED COILED FOOD PRODUCTS AND METHODS OF FABRICATING

POWER OF ATTORNEY

COMMISSIONER OF PATENTS AND TRADEMARKS  
WASHINGTON, D.C. 20231

Dear Sir:

Please cancel all previous powers of attorney in the above-identified patent and recognize the following attorneys to transact all business in the Patent and Trademark Office in connection with the above-identified patent: Steven J. Goldstein, Registration No. 28,079; Edwin R. Acheson, Jr., Registration No. 31,808; Glenn D. Bellamy, Registration No. 32,887; Ann G. Robinson, Registration No. 39,820; Ria Farrell Schalnati, Registration No. P-47,058; David E. Schmit, Registration No. 28,472; Karlyn A. Schnapp, Registration No. 45,558; and Kevin S. Sprecher, Registration No. 42,165; all of Frost & Jacobs LLP, 2500 PNC Center, 201 East Fifth Street, Cincinnati, Ohio 45202; Telephone No. (513) 651-6800.

VAN MELLE USA INC.

By: 

Name: Martin E. LaCorte

Title: President

Date Sept. 15, 2000

## ASSIGNMENT

Application No. 09/502,140

Filed: February 11, 2000

IN CONSIDERATION of one dollar and other good and valuable considerations, the receipt of which is hereby acknowledged, the entire right, title and interest in the invention or improvements of the undersigned in **"Tacked Coiled Food Products and Methods of Fabricating"** and in the application for Letters Patent of the United States therefor, executed by the undersigned concurrently herewith and in any reissue or extension of any Letters Patent that may be granted upon said application are hereby assigned by the undersigned to **Van Melle USA Inc.**, a Kentucky corporation, and the successors, legal representatives and assigns of **Van Melle USA Inc.**, (hereinafter collectively called said Assignee), and the Commissioner of Patents is hereby authorized and requested by the undersigned to issue said Letters Patent to said Assignee.

FOR SAID CONSIDERATIONS it is hereby agreed by the undersigned, upon the request of said Assignee, to execute any necessary and proper oaths or affidavits relating to said application or required for the filing or prosecution of any divisional, continuation or continuation-in-part application thereof or for the filing or prosecution of any application for the reissue or extension of any Letters Patent that may be granted on said invention or improvements that said Assignee may deem necessary or expedient, and for the said consideration it is further agreed by the undersigned, upon the request of said Assignee, in the event of said application or any division thereof, or Letters Patent issued thereon, or any reissue or application for the reissue thereof, becoming involved in interference, to cooperate to the best of the ability of the undersigned with said Assignee in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof, and further to perform, upon such request, any and all affirmative acts to obtain said Letters Patent and vest all rights therein hereby conveyed in the said Assignee as fully and entirely as the same would have been held and enjoyed by the undersigned if this Assignment and sale had not been made. And for the said considerations the entire right, title and interest in said invention or improvements, including all priority rights, and the right to claim priority rights and the privileges and benefits thereof, including those under the International Convention, and all other conventions, and the right to file applications for patent in said Assignee's own name for said invention or improvements in each and every country of the world are hereby Assigned and granted by the undersigned to said Assignee. It is further agreed by the undersigned, upon the request of said Assignee, to execute any and all documents that shall be required of the undersigned to be executed in connection with any and all applications for foreign letters patent therefor, including the prosecution thereof, and to execute any and all documents necessary to invest title in said foreign applications and patents in said Assignee. The attorneys of record in said application for patent are hereby authorized and requested by the undersigned to insert in this Assignment the date and Serial Number thereof in the places provided therefor.

David E. Babiarczyk

Date \_\_\_\_\_

March 1, 2000

### Separate Assignment

Ronald T. Cappadocia

Date \_\_\_\_\_

### Separate Assignment

William E. Lundgren, Jr.

Date \_\_\_\_\_

State of IL )  
 ) ss.  
County of Cook )

On 03/1/2000 2000, David E. Babiarz appeared before me, a notary public in and for the state and county aforesaid, and acknowledged that he freely and voluntarily subscribed and executed the foregoing Assignment for the purposes and uses therein expressed.

Notary Public

## ASSIGNMENT

Application No. 09/502,140Filed: February 11, 2000

IN CONSIDERATION of one dollar and other good and valuable considerations, the receipt of which is hereby acknowledged, the entire right, title and interest in the invention or improvements of the undersigned in "Tacked Coiled Food Products and Methods of Fabricating" and in the application for Letters Patent of the United States therefor, executed by the undersigned concurrently herewith and in any reissue or extension of any Letters Patent that may be granted upon said application are hereby assigned by the undersigned to Van Melle USA Inc., a Kentucky corporation, and the successors, legal representatives and assigns of Van Melle USA Inc., (hereinafter collectively called said Assignee), and the Commissioner of Patents is hereby authorized and requested by the undersigned to issue said Letters Patent to said Assignee.

FOR SAID CONSIDERATIONS it is hereby agreed by the undersigned, upon the request of said Assignee, to execute any necessary and proper oaths or affidavits relating to said application or required for the filing or prosecution of any divisional, continuation or continuation-in-part application thereof or for the filing or prosecution of any application for the reissue or extension of any Letters Patent that may be granted on said invention or improvements that said Assignee may deem necessary or expedient, and for the said consideration it is further agreed by the undersigned, upon the request of said Assignee, in the event of said application or any division thereof, or Letters Patent issued thereon, or any reissue or application for the reissue thereof, becoming involved in interference, to cooperate to the best of the ability of the undersigned with said Assignee in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof, and further to perform, upon such request, any and all affirmative acts to obtain said Letters Patent and vest all rights therein hereby conveyed in the said Assignee as fully and entirely as the same would have been held and enjoyed by the undersigned if this Assignment and sale had not been made. And for the said considerations the entire right, title and interest in said invention or improvements, including all priority rights, and the right to claim priority rights and the privileges and benefits thereof, including those under the International Convention, and all other conventions, and the right to file applications for patent in said Assignee's own name for said invention or improvements in each and every country of the world are hereby Assigned and granted by the undersigned to said Assignee. It is further agreed by the undersigned, upon the request of said Assignee, to execute any and all documents that shall be required of the undersigned to be executed in connection with any and all applications for foreign letters patent therefor, including the prosecution thereof, and to execute any and all documents necessary to invest title in said foreign applications and patents in said Assignee. The attorneys of record in said application for patent are hereby authorized and requested by the undersigned to insert in this Assignment the date and Serial Number thereof in the places provided therefor.

Separate Assignment

David E. Babiarz

Date

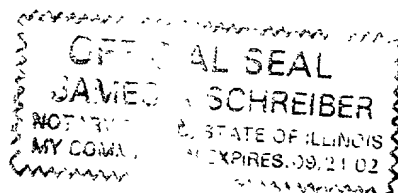
Ronald T. Cappadocia 3/1/2000  
 Ronald T. Cappadocia Date

Separate Assignment

William E. Lundgren, Jr.

Date

State of IL )  
 ) ss.  
 County of Cook )



On 03/10/2000, 2000, Ronald T. Cappadocia appeared before me, a notary public in and for the state and county aforesaid, and acknowledged that he freely and voluntarily subscribed and executed the foregoing Assignment for the purposes and uses therein expressed.

James A. Schreiber  
 Notary Public

## ASSIGNMENT

Application No. 09/502,140Filed: February 11, 2000

IN CONSIDERATION of one dollar and other good and valuable considerations, the receipt of which is hereby acknowledged, the entire right, title and interest in the invention or improvements of the undersigned in "Tacked Coiled Food Products and Methods of Fabricating" and in the application for Letters Patent of the United States therefor, executed by the undersigned concurrently herewith and in any reissue or extension of any Letters Patent that may be granted upon said application are hereby assigned by the undersigned to Van Melle USA Inc., a Kentucky corporation, and the successors, legal representatives and assigns of Van Melle USA Inc., (hereinafter collectively called said Assignee), and the Commissioner of Patents is hereby authorized and requested by the undersigned to issue said Letters Patent to said Assignee.

FOR SAID CONSIDERATIONS it is hereby agreed by the undersigned, upon the request of said Assignee, to execute any necessary and proper oaths or affidavits relating to said application or required for the filing or prosecution of any divisional, continuation or continuation-in-part application thereof or for the filing or prosecution of any application for the reissue or extension of any Letters Patent that may be granted on said invention or improvements that said Assignee may deem necessary or expedient, and for the said consideration it is further agreed by the undersigned, upon the request of said Assignee, in the event of said application or any division thereof, or Letters Patent issued thereon, or any reissue or application for the reissue thereof, becoming involved in interference, to cooperate to the best of the ability of the undersigned with said Assignee in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof, and further to perform, upon such request, any and all affirmative acts to obtain said Letters Patent and vest all rights therein hereby conveyed in the said Assignee as fully and entirely as the same would have been held and enjoyed by the undersigned if this Assignment and sale had not been made. And for the said considerations the entire right, title and interest in said invention or improvements, including all priority rights, and the right to claim priority rights and the privileges and benefits thereof, including those under the International Convention, and all other conventions, and the right to file applications for patent in said Assignee's own name for said invention or improvements in each and every country of the world are hereby Assigned and granted by the undersigned to said Assignee. It is further agreed by the undersigned, upon the request of said Assignee, to execute any and all documents that shall be required of the undersigned to be executed in connection with any and all applications for foreign letters patent therefor, including the prosecution thereof, and to execute any and all documents necessary to invest title in said foreign applications and patents in said Assignee. The attorneys of record in said application for patent are hereby authorized and requested by the undersigned to insert in this Assignment the date and Serial Number thereof in the places provided therefor.

Separate Assignment

David E. Babiarz

Date

Separate Assignment

Ronald T. Cappadocia

Date

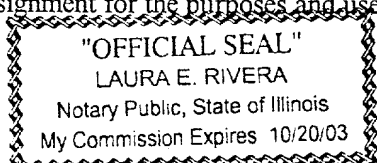
William E. Lundgren, Jr. 2-29-00  
 William E. Lundgren, Jr. Date

State of Illinois )

) ss.

County of Cook )

On February 29, 2000, William E. Lundgren, Jr. appeared before me, a notary public in and for the state and county aforesaid, and acknowledged that he freely and voluntarily subscribed and executed the foregoing Assignment for the purposes and uses therein expressed.



Laura E. Rivera  
 Notary Public